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RICHARD SCALISE ET AL. *v.* CUMMINGS AND
LOCKWOOD, LLC
(AC 35456)

Alvord, Sheldon and Pellegrino, Js.

Argued November 14, 2013—officially released February 11, 2014

(Appeal from Superior Court, judicial district of
Hartford, Peck, J.)

Kirk D. Tavtigian, Jr., for the appellants (plaintiffs).

John F. Carberry, with whom, on the brief, was *William N. Wright*, for the appellee (defendant).

Opinion

SHELDON, J. The plaintiffs, Richard Scalise and Eleanor Mihailidis, appeal from the judgment of the trial court granting the motion of the defendant, Cummings & Lockwood, LLC, to dismiss the plaintiffs' vexatious litigation action on the ground that the claim therein presented is unripe for adjudication. The plaintiffs argue on appeal that their vexatious litigation action is ripe for adjudication despite the fact that several counts of the complaint in the underlying action remain pending against them, because the favorable termination requirement has been satisfied as to several other underlying claims upon which the vexatious litigation action is based. We disagree with the plaintiffs, and thus affirm the judgment of the court.

The trial court consolidated the present vexatious litigation action with a second vexatious litigation action commenced by the plaintiffs against East Greyrack, LLC, Greyrack at Oysterbend, LLC, and Jerry Effren, both as trustee and in his individual capacity, stemming from the same underlying action. The underlying facts and issue on appeal are identical in both cases.

The plaintiffs' claim was fully addressed and rejected by this court in the companion case of *Scalise v. East Greyrack, LLC*, 148 Conn. App. 176, A.3d (2014), which was also decided today. That decision therefore is dispositive of the plaintiffs' claim.

The judgment is affirmed.

In this opinion the other judges concurred.
